

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.08 (SUBDIVISION IMPROVEMENT PLANS), SECTION 19.08.020 D (GRADING PERMITS) AND CHAPTER 19.50 (DEFINITIONS), SECTION 19.50.030 (DEFINITIONS) OF THE EL PASO CITY CODE TO AMEND THE PROVISIONS FOR GRADING PERMITS AND BORROW OR WASTE PERMITS AND TO CHANGE THE DEFINITION OF GRADING. THE PENALTY AS PROVIDE FOR IN CHAPTER 19.42 OF THE EL PASO CITY CODE**

**WHEREAS**, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

**WHEREAS**, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

**WHEREAS**, certain changes have been made to the city's grading ordinance which necessitate a change to the grading permit provisions of the Subdivision Ordinance to avoid conflicts; and,

**WHEREAS**, the Development Coordinating Committee and City Plan Commission recommend approval of the proposed changes; and

**WHEREAS**, the El Paso City Council finds that the proposed amendments as herein provided will have a positive impact upon the public health, safety, morals, and general welfare of the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1.** That Title 19 (Subdivisions), Chapter 19.08 (Construction Plans and Management), Section 19.08.020 (Timing of public improvements, permit issuance), Subsection 19.08.020 D (Permit Issuance), Paragraph 1 (Grading Permits) of the El Paso City Code shall be and hereby is amended to read as follows:

**D. Permit Issuance.**

1. Grading Permits. Any grading within the corporate limits or within the extraterritorial jurisdiction shall conform to the applicable portions of Chapter 18.44 (Grading) of this code. Properties not required to file a subdivision application pursuant to this title shall only be subject to the requirements of Chapter 18.44. Grading permits may be issued on property requiring a subdivision as provided in this title, as follows:

- a. Grading Permit. No grading permit may be issued by the city manager or designee, whether or not the requirements of Chapter 18.44 have been satisfied, until preliminary approval on a subdivision application has been granted by the city plan commission or administratively by the city manager or designee.
- b. Borrow or Waste Permit. A borrow or waste permit shall be issued by the city manager or designee pursuant to the requirements of Chapter 18.44.

**Section 2.** That Title 19 (Subdivisions), Chapter 19.50 (Definitions), Section 19.50.030 (Definitions) of the El Paso City Code shall be and hereby is amended to change only the definition of "grading", with all other definitions remaining in effect.

"Grading" shall be and hereby is defined as follows:

"Grading" as used in this Title shall have the same meaning as defined in Section 18.44.030.

**Section 3.** Except as expressly herein amended, Title 19 of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

THE CITY OF EL PASO:

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John F. Cook, Mayor

ATTEST:

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Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

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Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

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Mathew S. McElroy, Deputy Director  
Planning and Economic Development